

CITY OF BRAZIL, INDIANA

ORDINANCE 40-2006

AN ORDINANCE ADDING §156.31 TO CHAPTER 156, TITLE XV OF THE BRAZIL CODE OF ORDINANCES TO REGULATE AND CONTROL THE LOCATION, ERECTION, NUMBER, AND MAINTENANCE OF SIGNS AND MATTERS RELATING THERETO WITHIN THE CORPORATE LIMITS OF THE CITY OF BRAZIL, INDIANA AND THE JURISDICTIONAL AREA OF THE BRAZIL CITY ADVISORY PLAN COMMISSION AND ESTABLISHING PENALTIES THEREOF

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BRAZIL, INDIANA:

SECTION ONE. SIGNS

Chapter 156 of Title XV of the Brazil Code, more specifically §156.31 be and hereby is created, adding the following definitions to §156.02 and §156.99 is hereby amended to read as follows:

§156.02 DEFINITIONS

ALTERATION: Any addition, removal, extension, or change in the construction or occupancy of any existing building or structure.

HARDSHIP: A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of our restriction on economic gain shall not be considered hardship. Self-imposed situations include: The purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement initiated in violation of the standard of this ordinance; any results of land division requiring variance from the development standards of this ordinance in order to render that site buildable.

SIGN: Any identification, description, illustration, or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise or any emblem, painting banner, pennant, or placard designed to advertise, identify, or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures. Not included are decorative devices or emblems as may be displayed on a residential mailbox. For the purpose of this ordinance, this definition shall include those signs

painted directly upon a building or other structure. A visual device or structure used for advertising, display, or publicity purposes. Definitions under *SIGNS* apply only to signs. See §156.31 for information.

- A) **ABANDONED SIGN:** A sign which no longer correctly directs or exhorts any person, advertises a bonafide business, lessor, owner, project, or activity conducted or product available on the premises where such sign is displayed.
- B) **ANIMATED SIGNS:** Any sign which includes action or motion. For purposes of this ordinance, this term does not refer to flashing or changing, all of which are separately defined.
- C) **BANNER.** A sign made of fabric, plastic, paper, or other light pliable material, not enclosed in a rigid frame and characteristically suspended along or across a public street.
- D) **BUILDING FACE OF WALL.** All window and wall area of a building in one plane or elevation.
- E) **CANOPY.** Any structure attached to a building at the inner end and supported on the other end, or a free-standing structure, with one or more supports, meant to provide shelter from weather elements, onto which signs may be affixed or incorporated.
- F) **CHANGEABLE COPY SIGN (MANUAL).** A sign on which copy is changed manually in the field, such as, reader boards with changeable letters or changeable pictorial panels.
- G) **CHANGING SIGNS (AUTOMATIC).** A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.
- H) **CHURCH BULLETIN BOARD.** A sign attached to the exterior of a church or located elsewhere on church premises and used to indicate the services and/or other activities of the church, and including the church name, if desired.
- I) **COPY.** The wording or graphics on a sign surface.
- J) **ERECT.** To build, construct, reconstruct, attach, hang, re-hang, alter, place, affix, enlarge, move, or relocate and includes the painting of existing sign structures.
- K) **FACADE.** The front or main part of a building facing a street.
- L) **FACE OF SIGN.** The entire area of a sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a place.

- M) **FLASHING SIGN.** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic, changing signs such as public service time, temperature, and date signs or electronically controlled message centers are not classed as **FLASHING SIGNS**.
- N) **ILLEGAL SIGNS.** A sign which contravenes this ordinance, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.
- O) **LOGO.** A letter, character, or symbol used to represent a person, corporation, or business enterprise.
- P) **PREMISES.** An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.
- Q) **READER BOARD.** Any sign that has changeable or removable lettering.
- R) **RIGHT-OF-WAY (ROW).** Shall be the actual road right-of-way or the proposed right-of-way as indicated on the city Comprehensive Plan and/or as set forth in the city subdivision ordinance.
- S) **ROOF LINE.** The highest point of the coping on a flat roof, false mansard, or parapet wall; the deckline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and ridge for a gable or hip roof.
- T) **SEASONAL OR SPECIAL OCCASION TEMPORARY SIGNS.** A sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.
- U) **SHOPPING CENTER.** A building containing four or more shops, stores, and other places of business, and providing off-street parking facilities in common for all of the businesses and their customers.
- V) **SHOW WINDOW SIGN.** Any temporary sign advertising sales or specials attached to or within three feet of the glass surface of any fixed window (glazing) visible from a public right-of-way.
- W) **SIGN AREA.** The area of the sign face. The **SIGN AREA** of a multi-faced signs the sum of the sign areas of each face, including structural trim which can be seen from a single location on an adjacent street. If a sign is attached to a building or suspended in any manner whereby there is no apparent trim or confining border, the sign area shall be computed by drawing an imaginary straight line around a generally rectangular margin and measuring the area so encompassed upon a building or other structure.

- X) ***SIGN, ATTACHED.*** A sign erected or placed upon the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.
- Y) ***SIGN, COMMERCIAL DIRECTORY.*** A permanent pole sign designating the name of a commercial center and listing the various tenants of the center.
- Z) ***SIGN, CONSTRUCTION.*** A temporary sign used during construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor, and/or financing institutions of the project.
- AA) ***SIGN, DIRECTIONAL.*** A sign which indicates a direction for vehicular or pedestrian traffic or other movement.
- BB) ***SIGN, FLUTTERING.*** A sign which flutters and includes banners, flags, pennants, or other flexible material which moves with the wind or by some artificial means.
- CC) ***SIGN, GROUND.*** Any detached sign on the same lot or parcel as the use it advertises which has its bottom portion erected upon or supported by the ground, a ground planter box, or other supports.
- DD) ***SIGN, HANGING.*** Any sign hanging entirely beneath a canopy, portico, or marquee.
- EE) ***SIGN, ILLUMINATED.*** Any sign which is illuminated by light sources mounted on or in the sign or at some other location.
- FF) ***SIGN, MEMORIAL OR TABLETS.*** The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.
- GG) ***SIGN, NONCONFORMING.*** A sign legally erected under the previously existing ordinances of the city, but which does not conform to the provisions of this ordinance.
- HH) ***SIGN, OCCUPATIONAL AND/OR IDENTIFICATION.*** An attached wall sign not larger than one square foot in area identifying the name of a person occupying a building.
- II) ***SIGN PERMIT.*** A location improvement permit as discussed in the legal provision, §§ 150.21 to 150.25.
- JJ) ***SIGN, POLITICAL.*** A temporary sign advocating or opposing any political proposition or candidate for public office.
- KK) ***SIGN, POLE.*** Any detached sign located on the same lot or parcel as the use it advertises which is supported by one or more stationary poles no taller than

35 feet above the mean grade line of the ground at its base provided that this shall not include a permitted ground sign as set forth.

- LL) **SIGN, PROJECT IDENTIFICATION.** A permanent ground sign identifying an apartment complex, condominium project, or mobile home development entry, name and/or street names within the project.
- MM) **SIGN, PROJECTING.** Any sign which projects more than 12 inches beyond the plane of the wall on which the sign is erected or attached.
- NN) **SIGN, PROPERTY REAL ESTATE.** A sign pertaining only to the prospective rental, lease, or sale of the property upon which it is located. Real estate signs shall be excluded from the definition of **POLE SIGNS**.
- OO) **SIGN, RESIDENTIAL CONSTRUCTION PROJECT.** Any temporary sign that provides direction to any residential development under construction, or promotes the residential development on the project site.
- PP) **SIGN, ROOF.** Any sign erected on a roof but excluding marquee and canopy signs and wall signs. The generally vertical plane of a mansard-type roof shall be interpreted as the same as a wall of a building.
- QQ) **SIGN, STRUCTURE.** The sign and all parts associated with its construction.
- RR) **SIGN, SUBDIVISION IDENTIFICATION.** A permanent ground sign identifying a subdivision entry, subdivision name, and/or street names within the subdivision.
- SS) **SIGN, SUPPORTS.** All structures by which a sign is held up, including, for example, poles, braces, guys, and anchors.
- TT) **SIGN, TEMPORARY.** Any sign intended for a limited or intermittent period of display.
- UU) **SIGN, WINDOW TEMPORARY.** A temporary sign affixed to the inside of an exterior window or glass door.
- VV) **SPECIAL DISPLAYS.** Signs not exceeding 32 square feet, used for holidays, public demonstration, or promotion of civil welfare or charitable purposes.
- WW) **STANDARD OUTDOOR ADVERTISING STRUCTURE AND/OR BILLBOARD.** Any sign intended to attract general public interest concerning a commercial enterprise, product, service, industry, or other activity not conducted, sold, or offered on the premises upon which the sign is erected. This includes billboards, detached pole signs on separate parcels, wall signs and signs

otherwise attached to buildings and/or supported by uprights or braces on the ground. Real estate signs and political signs are excluded from this definition.

XX) **TEMPORARY SIGN.** A sign which is not permanent and is allowed for a specific time period.

YY) **TRAFFIC DIRECTIONAL SIGN.** Any sign which aids the flow of traffic.

§156.31 SIGNS

A. Intent

It is the intent of this chapter to regulate and control the location, erection, number, and maintenance of signs and matters relating thereto within the city and the jurisdiction area of the Brazil City Advisory Plan Commission in order to promote public safety, health, and general welfare of the community. These regulations are specifically designed to:

- (1) Provide for uniform regulations and orderly development of signs consistent with established policies and ordinances of the city.
- (2) Prohibit hazardous and dangerous signs.
- (3) Provide a desirable and attractive living environment through harmonious and uniform signage.

B. Scope

- (1) The provisions of this chapter shall govern the erection, alteration, and maintenance of all signs and outdoor display structures, together with their appurtenant and auxiliary devices, with respect to location, size, content, construction, structure, and fire safety.
- (2) The provisions of this chapter shall not apply to:
 - (a) Flags of any nation, state, county, city, or other governmental unit and any not-for-profit organization.
 - (b) Temporary decorations or displays celebrating the occasion of traditionally a patriotic, religious, or local holidays or events.
 - (c) The action, construction, and maintenance of official traffic fire and police signs, signals, and devices and markings of the state, county, or city.
 - (d) Nonilluminated directional or informational signs of a public nature.

- (e) Political signs or signs announcing political candidates or issues, provided that such signs must be removed within ten days after the election.
- (f) Residential garage, patio, or yard sale signs not to exceed six square feet and located upon the premises where the sale is taking place.
- (g) Property real estate signs not exceeding six square feet in area on each street frontage or a lot, which advertise the sale, rental, or lease of the premises upon which said signs are located only. The real estate signs shall not exceed six feet in height, and shall not be illuminated in any way.
- (h) Bulletin boards not over 32 square feet in area, for public charitable, or religious institutions which are located on the premises of said institutions. The bulletin board shall not exceed 12 feet in height, and illumination, if any, shall be by constant light.
- (i) Memorial signs or tablets, names or buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material.
- (j) Professional name plates, or occupational signs, and home occupation signs not exceeding two square foot in area, wall-mounted and unlit, adjacent to the main entrance of the building.

C. Administration and Enforcement

- (1) Administration: Except where herein otherwise stated, the provisions of this section shall be administered by the Brazil City Advisory Plan Commission and Planning and Zoning Department of the City of Brazil or by its designee. The Department (or its authorized representative) is hereby empowered in performance of Departmental functions to enter upon any land in the city for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon markers, notices, or signs required to effect provisions of this chapter. The above authorization person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this chapter.
- (2) Duties of the Planning and Zoning Department of the City of Brazil: The Department shall have the power to grant sign permits, and to make inspections of buildings or premises necessary to carry out the Departments duties in the enforcement of this chapter.
 - (a) It shall be improper for the Department to approve plans or issue any permits or certificates for any sign until such plans have been inspected in detail and found to be in conformance with this chapter, nor shall the Department vary or change any terms of this chapter.

- (b) If the Department shall find that any of the provisions of this chapter are being violated, the Department shall notify in writing the person responsible for such violations, indicating the nature of the violation. The Department shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal signage; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions.
- (3) Permit required: It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, or moving of any sign or sign structure or any portion thereof without first having applied in writing to the Department for a sign permit to do so and a sign permit has been granted therefore. Primary responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to ensure that all required permits and approvals have been secured prior to any work being initiated.
- (a) Blank forms shall be provided by the Department for the use of those applying for permits as provided in this chapter. Any permits issued by the Department shall be on standard form of such purpose. There shall be a separate permit for each sign to be constructed, altered, or erected.
- (b) Any sign permit under which no construction work has been commenced within six months after the date of issuance of said permit or under which proposed construction has not been completed within one year of the time of issuance shall expire by limitation.
- (4) Voiding of Sign Permit: A permit may be revoked by the Department at any time prior to the completion of the sign for which was issued, when it shall appear to him or her that there is any departure from the plans, specifications, or conditions, as required under terms of the permit, that the same was procured by false representation, or that any provisions of this ordinance are being violated. Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed of the building or structure for which such permit was issued, via a stop work order, which shall be posted in a prominent location, and thereafter no such construction shall proceed.
- (5) Compliance with sign permits: Sign permits issued on the basis of approved plans and applications authorized only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this section as provided herein.
- (6) Violations: If it is found that a sign is in violation of this ordinance, the Department, or its designee, shall give notice to the owner of the sign, or if the owner cannot be located, to the owner or property management agent of the

premises on which the sign is located or, if the sign erection is not complete, to the sign is located or, either personally, by United States mail, or by posting such notice on the premises, such notice stating:

- (a) The violation found;
- (b) That the violation must be brought into compliance within the requirements of this and all other city ordinances within ten days from the date of such notice.
- (c) The requirements which must be met; and
- (d) That any person found to be in violation of any provision of this ordinance shall be subject to the penalties established in §156.99 of this ordinance.

D. Prohibited Signs

The following signs and advertising devices are hereby declaimed to be unlawful:

- (1) Animated signs;
- (2) Any sign erected in a location prohibited by this chapter;
- (3) Any sign erected in a public easement or right-of-way;
- (4) Any sign erected so as to prevent free ingress to or egress from any door or window, or any other exit way required by the building or fire codes of the city;
- (5) Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk, or other surface located on public property;
- (6) Any sign erected in any location where, by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic-control devices. Nor may any sign, by reason, of its shape, position, or color interfere with or be confused with any authorized traffic signal sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way;
- (7) Any on-premises sign advertising an article or product not manufactured, assembled, processed, repaired, or sold or a service not rendered upon the premises upon which the sign is located, and not located or constructed such as to qualify as a "standard outdoor advertising structure or billboard;"
- (8) Any sign or advertising device such as banners and pennants affixed on poles, wires, ropes, or streamers, wind-operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and "A" frames or other portable signs of like nature, and other similar contraptions or techniques except that these devices may be used for a period of 30 days in any 12-month period by permit from the

Department and must be kept in safe and orderly fashion, except as permitted in §95.35 (as amended by Ordinance 20-2005);

- (9) Vehicle signs, except for standard advertising or identification markings which are painted on or permanently attached to the side of a business or commercial vehicle. Such business or commercial vehicles shall not be parked in any required parking space, nor in any excess parking space adjacent to a street right-of-way;
- (10) Off-site or off-premises signs except as provided in this section;
- (11) Flashing signs including electronic message centers; however, not including digital time, and temperature signs, involving only that information and no further or additional information of any advertising nature. Such time/temperature signs shall be constant or steady in nature, and shall not grow, melt, x-ray, up or down scroll, write on, travel, inverse, roll twinkle, snow, or present pictorials or other animation;
- (12) Portable signs, signs not permanently affixed to the ground;
- (13) Signs which contain characters, or cartoons, or contain statements, words, or pictures of any obscene, indecent, prurient, or immoral character.

E. Nonconforming Signs

Any sign legally existing prior to enactment of this chapter but which shall violate any provision of this chapter, may continue to be maintained and used after passage of this chapter subject to the following provisions:

- (1) Enlargement: No nonconforming sign shall be enlarged, expanded, or extended to occupy a greater square footage of height than was occupied on the date of adoption or amendment of this chapter.
- (2) Relocation: No nonconforming sign shall be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of adoption of this ordinance, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening, or improvement of a street, highway, or other public purpose, may be relocated once and allowed to be maintained and used as before.
- (3) Discontinuance: If the business or service advertised or identified by a nonconforming sign ceases to be conducted for a period exceeding 30 calendar days, the nonconforming sign shall be classified as an "Abandoned Sign" and removed. See § 156.31 (G.4).
- (4) Destruction: Should any nonconforming sign be destroyed by any means to an extent of up to 50% of its surface area or structure, it shall not be reconstructed, except in conformance with the requirements of this ordinance.

- (5) Violations not made valid: Any sign which is prohibited by this ordinance, and was erected in violation of the requirements of the previous sign ordinance shall not be considered to be granted nonconforming status by the passage of this ordinance.
- (6) In any instance, in cases of doubt or a specific question raised, whether a nonconforming sign exists, shall be a question of fact, and shall be determined on appeal to the Board of Zoning Appeals.

F. APPEALS

- (1) Any aggrieved person, firm, corporation, or any governmental officer, department, board, or bureau may appeal a decision of the Department before the Board of Zoning Appeals as established and in conformance with the requirements of §156.29 of the Brazil City Code of Ordinances, subject to the further requirements of this section:
- (2) Grounds for granting a variance: The Board of Zoning Appeals may grant variances from this ordinance for any permitted form of signage where it is found that because of the limitations on character, size, or dimensions of a sign, or the regulations controlling the erection or installation of a sign, the applicant would be subject to undue hardship. Undue hardship is not considered the loss of possible advantage, economic loss or gain, or mere inconvenience to the applicant.
- (3) Appeals from decisions of the Board of Zoning Appeals shall be to the Circuit or Superior Court of Clay.

G. GENERAL SIGN REQUIREMENTS

- (1) Structural requirements: All signs shall comply with the pertinent requirements of the City Building Code.
- (2) Safety: Any existing sign which is or becomes an immediate danger or hazard to persons or property because of being in an unsafe condition, or which obstructs any fire escape, window, or door, is subject to immediate removal without notice and at the expense of the property and/or sign owner.
- (3) Maintenance: Each sign shall be maintained in a safe, presentable, and good condition. All existing signs shall be painted every two years except where the sign is of a noncorroding material, galvanized, or otherwise treated to prevent rust. Broken panels, missing letters, flaking or peeling paint, and other visual damage to a sign shall be repaired within 45 days of occurrence or within 10 days' notification by the Department, Planning and Zoning Administrator, and/or the Board of Public Works and Safety, weather permitting.
- (4) Abandoned signs: Any sign or sign structure which advertises a business no longer conducted or service no longer rendered, or a product no longer sold on the

premises or lot shall be classified an abandoned sign and shall be removed by the owner, agent, or person having beneficial use of the premises or lot upon which the sign is located within ten days following written notice by the Department, Planning and Zoning Administrator, and/or the Board of Public Works and Safety concerning its removal.

- (5) Illumination: Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (6) State right-of-way requirements: All signs erected within the jurisdiction of state right-of-way requirements shall meet both state and city requirements. Signs shall not project over any city or county public right-of-way.
- (7) Lot lines: Signs shall not project over lot lines.

H. RESIDENTIAL AND AGRICULTURAL SIGNAGE

One-, two-, multi-family residential, and agricultural signs must comply with the general sign provisions in § 150.31 (G) of this chapter. The allowable signage includes all permitted uses in § 150.31 (G) of this chapter.

(1) Allowable signs:

- (a) Identification signs: One identification sign may be erected on each perimeter street frontage of a multi-family development, manufactured/mobile home park, single-family subdivision, or permitted nonresidential uses, including special exceptions. The sign shall not be permitted to exceed 32 square feet of display surface area. The sign shall not exceed 12 feet in height, and illumination, if any, shall be by a constant light. Additional or multiple signs may be permitted by the Brazil City Advisory Plan Commission for one or more entrances. See Chapter 154, Subdivision Control.
- (b) Church, public or semi-public buildings or public park identification sign: Not more than one sign per street frontage not exceeding 50 square feet in size per face. The sign shall not exceed 12 feet in height, and illumination, if any, shall be by constant light.
- (c) Construction sign: During the period of construction, a temporary sign advertising the construction of improvements on the premises may be erected on each perimeter street of frontage of the development. The sign shall not exceed 32 square feet in surface area, nor 12 feet in height, and illumination, if any shall be by constant light.
- (d) Directional signs: Two signs per entry/exit not exceeding six square feet in size per face.

- (e) Memorial or tablet sign: One sign not exceeding six square feet in size per face unless such signs are installed by the federal, state, county, or city government or agencies thereof.
- (f) Property real estate signs: One sign per lot frontage not exceeding six square feet in size per face.
- (g) Special displays and other temporary signs: See § 156.31 (K) of this chapter.
- (h) Informational signs not exceeding two square feet in size per side nor a height of four feet from the ground which identify the occupants, occupation, address, and/or information. Examples of permitted informational signs generally include: privacy sign, trespassing sign, seed sign, etc.
- (i) Nonilluminated home occupation wall sign not exceeding two square feet wall-mounted on the dwelling, and; if allowed with the special exception, one nonilluminated yard sign not exceeding six square feet in size per face. (See §156.29, Board of Zoning Appeals.)

(2) Location and height:

- (a) No sign placed upon the ground shall be located closer than ten feet to any property line and shall meet the vision clearance on corner lots requirements of § 156.02 of this chapter.
- (b) No sign attached to the wall of a building or other structure shall extend above the roof line of that building or structure.
- (c) For residential signs without a specific height standard, the sign(s) shall not exceed eight feet in height from the surrounding grade to the highest point of the sign.
- (d) Direction signs: No sign shall exceed three and one-half feet above the elevation of the adjacent driveway at the point where it meets the street right-of-way.
- (e) Memorial or tablet signs: No sign shall exceed six feet in height from the surrounding grade to the highest point on the sign.
- (f) Property real estate signs: No sign shall exceed six feet in height from the surrounding grade to the highest point on the sign.

(3) Other requirements:

- (a) Mobile construction signs: Signs identifying mechanics, painters, architects, engineers, and similar artisans and workmen which are attached to or on trailers on the site of construction shall be permitted provided that upon completion of the project the trailer must be removed within one week. These

trailers shall not be located closer than ten feet to the property line if such signs are visible from the street.

(b) Residential construction project sign:

(1) On-site sign: Such sign shall be removed either at such time as the permanent subdivision entrance sign is erected, or when 80% of the lots and/or dwelling units have been sold, whichever circumstance occurs first.

(2) Off-site signs: Such signs shall be removed either within two years from the date of issuance of the sign permit, or when 80% of the lots and/or dwelling units have been sold, whichever circumstance occurs first.

(c) Property real estate signs: Shall be removed within ten days following the date of closing or lease initiation.

(d) Directional sign: May contain the street address and/or name of the business center or the name of the use of the building, trademark, logo, or similar matter, provided that not more than 50% of the sign area is used for this purpose.

I. BUSINESS AND INDUSTRIAL SIGNAGE

Commercial signs must comply with the general sign provisions in § 156.31 (G) of this chapter. The allowable signage includes all permitted uses in § 156.31 (B) of this chapter.

(1) Allowable signs:

(a) Pole signs: One pole sign per lot and shall not have an aggregate (total from each side combined) surface area greater than three square feet for each foot of width of the principal structure on the premises. Total pole signage shall not exceed 300 square feet.

(b) Ground-mounted signs: One ground mounted sign per lot may be substituted for the allowable pole sign. Same surface area requirements as for pole signs.

(c) Attached signs: One attached sign for each side of the building not exceeding 10% of the total square footage of the building face upon which it is placed.

(d) Window/door signs: Shall not cover more than 50% of the total window area or door to which they are applied.

(e) Under canopy sign: One sign not exceeding two square feet in size displaying the name, occupation, address, and/or service located upon the premises.

- (f) Directories: For buildings with multiple occupancies, a directory sign may be substituted in lieu of the allowable pole sign subject to review and approval by the Board of Zoning Appeals as to height and overall square footage.

(2) Location and height.

- (a) Pole signs: Such signs shall not exceed 20 feet in height from the surrounding grade to the highest point on the sign and the overhang shall not be located any closer than 1 foot to any property line. Such signs shall meet the vision clearance on corner lots requirements of §156.02 of this chapter.
- (b) Ground-mounted sign: Such signs shall not exceed six feet in height from the surrounding grade to the highest point on the sign and shall be located no closer than one foot to any property line. Such signs shall meet the vision clearance on corner lots requirements of §156.02 of this chapter.
- (c) Attached signs: Shall be face mounted on the building wall, projecting not more than 12 inches from the face of the building. Such signs shall not project above the parapet wall, mansard, or other roof line, shall maintain a clearance of ten feet above the ground or pavement, and shall be recessed where involving a pitched roof location.
- (d) Window/door signs: Such signs may be attached to either the interior or exterior of a window or glass door and shall be maintained in good repair.
- (e) Under canopy signs: Such signs may be attached to the building or canopy and shall maintain a head clearance of eight feet.
- (f) Directories: As approved by the Board of Zoning Appeals.

(3) Other requirements.

- (a) Canopy use: An attached or detached canopy sign may be used as an attached and/or pole sign. However, the canopy's size does not add to the width or face of the building when calculating for allowable signage.
- (b) Portable signs: The use of portable signs for the advertisement of cigarettes, food, or other sundry items is specifically prohibited.
- (c) Changeable copy signs: A manual changeable copy sign may be incorporated as an integral part of the permanent pole, ground, or attached signage permitted upon the property.

J. SPECIAL DISPLAYS AND OTHER TEMPORARY SIGNS

Banners and pennants are a permitted use. However, the Planning and Zoning Administrator and/or the Board of Public Works and Safety can require removal of such banners and pennants if they are not kept in a safe and orderly fashion. The following

temporary signs may be approved by the Planning and Zoning Administrator and/or the Board of Public Works and Safety for up to a 30-day time period. Such signs may be extended beyond the 30-day time period, but only upon review and approval by the Board of Zoning Appeals as a special exception.

- (1) Signs announcing openings.
- (2) Seasonal or special occasion signs such as special events and special business hours.
- (3) Yard signs, such as "Siding by..."
- (4) Subdivision directional signs not exceeding three square feet in size per face.
- (5) All other temporary signs not specifically referenced in this ordinance.
- (6) Portable signs, signs not permanently affixed to the ground.

K. STANDARD OUTDOOR ADVERTISING STRUCTURE (BILLBOARDS)

- (1) Where permitted: Advertising signs complying with all the requirements of this ordinance shall only be allowed if they are located easterly from Lambert Street and westerly from Depot Street on U.S. Highway 40 or southerly from Pinckley Street on Indiana State Road 59. Additionally, they are required to be in a Suburban Residential (S), local business (LB), general business (GB), or open industrial (I1), or reserved industrial (IR) zoning district.
- (2) Area and height:
 - (a) The maximum area for any one sign shall not exceed 672 square feet in size per face excluding extensions and embellishments, with a maximum height of 14 feet and a maximum width of 48 feet inclusive of border and trim, but excluding the base, apron, supports, and other structural members.
 - (b) Extensions to the top of advertising signs are permitted. However, in no case shall any extensions exceed 96 square feet in total feet in total area or extend more than 5½ feet in height above top of said sign. Other extensions are permitted as follows:
 - (1) Side extension: Two feet on each side.
 - (2) Bottom extension: One foot.
 - (3) Embellishments to advertising signs shall not exceed one foot out from the facing of said sign.
 - (c) The maximum height shall not exceed 30 feet from the highest point on the sign to surrounding grade or street level, whichever is higher.

- (d) The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back-to-back or in V-Type construction with not more than three side-by-side displays to each facing but such sign structures shall be considered as one sign. A group of not more than two advertising signs shall be permitted on one sign structure. However, there shall be no vertical stacking signs.

(3) Location:

- (a) No such sign shall be erected within 1,000 lineal feet of an existing sign on the same side of the road.
- (b) No such sign shall be located within 500 lineal feet of a R1, R2, or R3 residential zoning district along the street on which the sign is intended to be located.
- (c) No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
- (d) No such sign shall be placed closer than 500 feet to an intersection with a limited access highway and measured from the nearest edge of the right-of-way. No such sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- (e) The minimum front yard setback for such signs shall be a minimum of 50 feet from any public right-of-way and/or private roadway easement.
- (f) No sign shall be located on any public or private utility easement, road, drainage easement or railroad right-of-way.
- (g) All lineal distances required by this section shall be measured from the nearest outside edge of the subject sign, whether a support, structural member, or the sign surface itself to the nearest outside edge of the corresponding sign, building, right-of-way or easement involved.

(4) Prohibited outdoor advertising structure signage:

- (a) Roof-mounted signs or signs affixed directly to the side of any building.
- (b) Flashing signs, including automatic changing signs such as time, temperature, and date signs as well as electronically controlled message centers.
- (c) Fluttering signs, pinwheels, pennants, streamers, and banners.
- (d) Moving signs or swinging signs.

- (e) Signs which contain characters, cartoons, or statements, words, or pictures of any obscene, indecent, prurient or immoral character.
 - (f) Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or constructed as a traffic-control device, or which may hide from view any traffic or street sign or signal.
 - (g) Any sign constructed or located in such a manner such that it becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of a building. Such signs will be subject to immediate removal by the Building Inspector or his or her designee, without notice, at the expense of the property owners.
- (5) Maintenance: All signs and sign supports shall be maintained in good repair so as to prevent rust, peeling, flaking, or fading. Broken panels, missing letters, flaking or peeling paint, and other visual damage to a sign shall be repaired within 45 days of occurrence or within 30 days of notice from the Planning & Zoning Department or the Board of Public Works and Safety.
- (6) Illumination: Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares, nor shall the light sources be oriented such that either direct or reflected light creates a nuisance to adjoining properties.
- (7) Plans required: An application to erect such a sign shall be accompanied by the following:
- (a) A set of plans, to scale, approved, and sealed by a licensed engineer in the state, providing all necessary construction and electrical details of the sign and sign structure, including height.
 - (b) A site plan, to scale containing:
 - (1) The proposed location of the sign upon the property.
 - (2) The distance from the proposed sign location to any buildings upon the property, and adjoining street right-of-way lines, and driveway entrances.
 - (3) The distance from the proposed sign location to the next nearest billboard sign on either side of the street in either direction.
 - (4) The distance from the proposed sign location to the nearest street intersection in either direction.
 - (c) A representation of the proposed sign, to scale, including the width and length of the sign faces, and height from surrounding grade.

- (8) Construction specifications: Henceforth, any such sign erected under this ordinance shall be a single pedestal type, constructed of nonflammable material, excluding wood. Construction of the sign and material specifications shall comply with the following sections of the "Indiana Department of Highways Standard Specifications: 802, 803, 909.14, 909.19, and 912.10," as applicable, and must meet the structural requirements of the City's Building Code.

§156.99 PENALTIES

- A) Whoever violates, any provision of §156.30 (B) and (D) for which no penalty is otherwise provided, shall be fined \$25 for each violation, a maximum of \$500. A separate offense shall be deemed committed on each day that a violation occurs or continues.
- B) Whoever violates, any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than \$500. A separate offense shall be deemed committed on each day that a violations occurs or continues.

SECTION TWO. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance

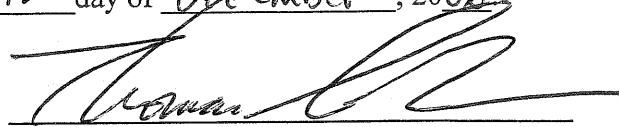
SECTION THREE. REPEAL OF CONFLICTING ORDINANCES

1. All Ordinances, or any parts thereof, previously enacted which are in conflict with the provisions of this Ordinance are here by specifically repealed.
2. Chapter 111: Advertising, more specifically §111.01 through 111.99 (Ordinance No. 65-1931 enacted on the 22nd day of September, 1931), be and hereby is specifically repealed.

SECTION THREE. TIME OF EFFECT

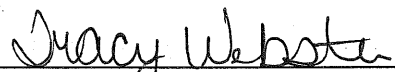
This ordinance shall be in full force and effect from and after its passage, when it is signed by the presiding officer, approved by the Mayor, and published as required by law.

ORDAINED AND ESTABLISHED this 12 day of December, 2006



Thomas Arthur, Mayor of the City of Brazil,
Indiana

ATTEST:


Tracy Webster, Clerk-Treasurer of the
City of Brazil, Indiana

MEMBERS OF THE COMMON COUNCIL

AYES:

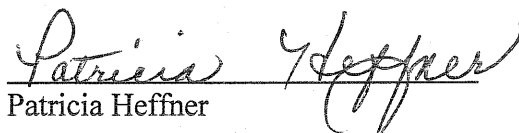
NAYS:


Martin Beasley

Martin Beasley


A. Ann Bradshaw

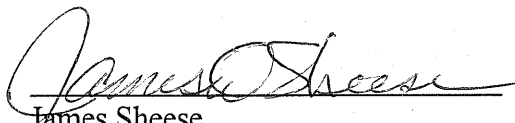
A. Ann Bradshaw


Patricia Heffner

Patricia Heffner

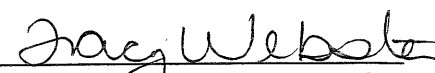

William Lovett

William Lovett


James Sheese

James Sheese

Presented by me to the Mayor of the City of Brazil, Indiana for his approval and
signature on this 12 day of December, 2006


Tracy Webster, Clerk-Treasurer of the
City of Brazil

APPROVED and signed by me on the 13 day of December,
2006, at the hour of 3:12 o'clock p.m.

A handwritten signature in dark ink, appearing to read 'Thomas Arthur', written over a horizontal line.

Thomas Arthur, Mayor of the City of
Brazil, Indiana